

Article - Environment

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§5–605.

(a) A person shall obtain a permit from the Department to appropriate or use or to construct any well, plant, building, or structure which may appropriate or use geothermal resources of the State. The permit is obtained upon written application to the Department. The applicant for the permit must have the legal right to use the surface and give assurance of this right.

(b) The application shall be accompanied by the following information and any other information as required by the Department:

(1) A project description specifying:

(i) What is planned to be constructed, its purpose, use, location, estimated cost, and size; and

(ii) The methods of construction, construction schedule, and operation procedure;

(2) A list of licenses, permits, or other approvals required by any government unit;

(3) Detailed information as to the need for the use and facts concerning alternate site locations as may be requested by the Department; and

(4) Information providing proof of the discovery of a geothermal resource and an evaluation of the resource.

(c) After public notice and opportunity for public hearing, the Department may issue a permit for the appropriation or use of geothermal resources if the Department finds that the applicant has demonstrated that the use:

(1) Conforms with and meets all applicable air, water, and noise laws of the State;

(2) Conforms with all applicable State and local plans;

(3) Would have no material adverse effect upon the natural environment of the area, its scenic or natural beauty, rare or irreplaceable resources, or unique historic site;

(4) Would not be so located, constructed, or operated as to have a material adverse effect upon the public health, safety, or welfare;

(5) Would not be a potential or immediate undue burden on the water supply of the site or region; and

(6) Would not cause an unreasonable rate of resource exhaustion.

(d) The permit required by this section shall be in lieu of any permit required by Subtitle 5 of this title or Title 9, Subtitle 13 of this article.

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